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THURSDAY, APRIL 7, 1808.

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Communicated by the President to Congress.

CORRESPONDENCE

BETWEEN MR. MADDISON AND MR. ROSE.

Washington, January 26th, 1808.

SIR,
 HAVING had the honour to state to you, that I am expressly precluded by my instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of his majesty's ship Leopard and the frigate of the United States, the Chesapeake, as long as the proclamation of the president of the United States, of the 2d July, 1807, shall be in force, I beg leave to offer you such farther explanation of the nature of that condition, as appears to me calculated to place the motives under which it has been enjoined to me thus to bring it forward in their true light.

In whatever spirit that instrument was issued, it is sufficiently obvious, that it has been productive of considerable prejudice to his majesty's interests, as confided to his military and other servants in the United States, to the honour of his flag, and to the advantages of his ministers accredited to the American government. From the operation of this proclamation have unavoidably resulted effects of retaliation, and self-assumed redress, which might be held to affect materially the question of the reparation due to the United States, especially in as much as its execution has been perverted in after the knowledge of his majesty's early, unequivocal, and unsolicited disavowal of the unauthorized act of admiral Berkeley, his disclaimer of the pretension exhibited by that officer to search the national ships of a friendly power for deserters, and the assurances of prompt and effectual reparation, all communicated without loss of time, to the minister of the United States in London, so as not to leave a doubt as to his majesty's just and amicable intentions. But his majesty, making every allowance for the irritation which was excited, and the misapprehensions which existed, has authorized me to proceed in the negotiation upon the sole discontinuance of measures of so inimicable a tendency.

You are aware, sir, that any delay, which may have arisen in the adjustment of the present differences, is not imputable to an intention of procrastination on the part of his majesty's government; on the contrary, its anxiety to terminate as expeditiously as possible the discussion of a matter so interesting to both nations, has been evinced by the communication made by Mr. secretary Canning to Mr. Monroe, before that minister of the United States was even informed of the encounter, and now, by the promptitude with which it has dispatched a special mission to this country, for that express purpose.

I can have no difficulty in stating a new to you, with respect to the provisions of my instructions, calculated as they are to insure an honourable adjustment of the important point in question, and to remove the impressions, which the late cause of difference may have excited in the minds of this nation, that I am authorized to express my conviction, that they are such as will enable me to terminate the negotiation amicably and satisfactorily.

Having learnt from you, sir, that it is solely as a measure of precaution, the provisions of the proclamation are now enforced, I must persuade myself, that a due consideration of his majesty's conduct in this transaction, will remove as well any misapprehensions which may have been entertained respecting his majesty's dispositions towards the U. States, as the grounds upon which that enforcement rests, and the more so, as it has long been a matter of notoriety, that the orders issued to the officers of his majesty's navy, in his proclamation of the 16th October, 1807, afford ample security, that no attempt can again be made to assert a pretension which his majesty from the first disavowed.

I may add, that if his majesty has not commanded me to enter into the discussion of the other causes of complaint, stated to arise from the conduct of his naval commanders in these seas, prior to the encounter of the Leopard and Chesapeake, it was because it has been deemed improper to mingle them, whatever may be their merits, with the present matter, so much more interesting and important in its nature; and opinion originally and distinctly expressed by Mr. Monroe, and assented to by Mr. secretary Canning. But if, upon this more recent and more weighty matter of discussion, upon which the proclamation mainly and materially rests, his majesty's amicable intentions are unequivocally evinced, it is sufficiently clear, that no hostile disposition can be supposed to exist on his part, nor can any view be attributed to his government, such as requiring to be counteracted by measures of precaution, could be deduced from transactions which preceded that encounter.

In offering these elucidations, I should observe, that the view in which I have brought forward the preliminary, which I have specified, is neither as to demand concession or redress, as for a wrong committed: into such the claim to a discontinuance of hostile provisions cannot be construed; but it is simply to require a cessation of enactments injurious in their effects, and which, if persisted in, especially after these explanations, must evince a spirit of hostility, under which his majesty could not authorize the prosecution of the present negotiation, either consistently with his own honour, or with any well founded expectation of the renewal or duration of that good understanding between the two countries, which it is equally the interest of both to foster and to ameliorate. I have the honour to be, with the highest consideration, Sir, your obedient and most humble servant.

(Signed) G. H. ROSE.

Department of State, March 5, 1808.

SIR,
 I HAVE had the honour to receive and lay before the president, your letter of the 26th January, in which you state, that you are "expressly precluded by your instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of his Britannic majesty's ship the Leopard, and the frigate of the United States, the Chesapeake, as long as the proclamation of the president of the United States, of the 2d July, 1807, shall be in force."

This demand, sir, might justly suggest the simple answer, that before the proclamation of the president could become a subject of consideration, satisfaction should be made for the acknowledged aggression which preceded it. This is evidently agreeable to the order of time, to the order of reason, and it may be added, to the order of usage, as maintained by Great-Britain, whenever in analogous cases, she has been the complaining party.

But as you have subjoined to the preliminary demand, certain explanations, with a view doubtless to obviate such an answer, it will best accord with the candour of the president, to meet them with such a review of the whole subject, as will present the solid grounds on which he regards such a demand as inadmissible. I begin with the occurrences from which the proclamation of July 2d resulted. These are in general terms referred to, by the instrument itself. A more particular notice of the most important of them, will here be in place.

Passing over then, the habitual but minor irregularities of his Britannic majesty's ships of war, in making the hospitalities of our ports subservient to the annoyance of our trade, both outward and inward, a practice not only contrary to the principles of public law, but expressly contrary to British ordinances enforced during maritime wars, to which she bore a neutral relation, I am constrained, unwelcome as the task is, to call your attention to the following more prominent instances.

In the summer of the year 1804, the British frigate the Cambrian, with other cruizers, in company, entered the harbour of New-York. The commander, capt. Bradley, in violation of the port laws, relating both to health and revenue, caused a merchant vessel, just arrived, and confessedly within the limits and under the authority of the United States, to be boarded by persons under his command, who, after refusing the officers of the port, in the legal exercise of their functions, actually impressed and carried off a number of seamen and passengers into the service of the ships of war. On an appeal to his voluntary respect for the laws, he first failed to give up the offender to justice, and finally repelled the officer charged with the regular process for the purpose.

This procedure was not only a flagrant insult to the sovereignty of the nation, but an infraction of its neutrality also, which did not permit a belligerent ship thus to augment its force within the neutral territory.

To finish the scene, this commander went so far as to declare, in an official letter, to the minister plenipotentiary of his Britannic majesty, and by him communicated to this government, that he considered his ship, whilst lying in the harbour of New-York, as having dominion around her, within the distance of her buoys.

All these circumstances were duly made known to the British government in just expectation of honourable reparation. None has ever been offered. Capt. Bradley was advanced from his frigate to the command of a ship of the line.

At a subsequent period, several British frigates under the command of capt. Whitby, of the Leander, pursuing the practice of vexing the inward and outward trade of our ports, and hovering for that purpose about the entrance of that of New-York, closed a series of irregularities, with an attempt to arrest a coasting vessel, on board of which an American citizen was killed by a cannon ball which entered the vessel, whilst within less than a mile from the shore.

The blood of a citizen thus murdered, in a trade from one to another port of his own country, and

within the sanctuary of its territorial jurisdiction, could not fail to arouse the sensibility of the public, and to make a solemn appeal to the justice of the British government. The case was presented moreover to that government by this, in the accent which it required; and, with due confidence that the offender would receive the exemplary punishment which he deserved. That there might be no failure of legal proof of a fact sufficiently notorious of itself, and exceptionable witnesses to establish it, were sent to Great-Britain at the expense of the United States.

Capt. Whitby was, notwithstanding, honourably acquitted; no animadversion took place on any other officer belonging to the Squadron; nor has any apology or explanation been made since the trial was over, as a conciliatory offering to the disappointment of this country at such a result.

A case of another character occurred in the month of September, 1806. The Impetueux, a French ship of 74 guns, when aground within a few hundred yards of the shore of North-Carolina, and therefore visibly within the territorial jurisdiction and hospitalable protection of the United States, was fired upon, boarded and burnt, from three British ships of war, under the command of capt. Douglass. Having completed this outrage on the sovereignty and neutrality of the United States, the British commander felt no scruple in proceeding thence, into the waters near Norfolk, nor in the midst of the hospitalities enjoyed by him, to add to what had passed, a refusal to discharge from his ships, impressed citizens of the United States, not denied to be such; on the plea, that the government of the United States had refused to surrender to the demand of admiral Berkeley, certain seamen alleged to be British deserters; a demand which it is well understood, your government disclaims any right to make.

It would be very superfluous to dwell on the features which mark this aggravated insult. But I must be permitted to remind you, that in so serious a light was a similar violation of neutral territory, by the destruction of certain French ships on the coast of Portugal, by a British Squadron under the command of admiral Boscawan, regarded by the court of Great-Britain, that a minister extraordinary was dispatched for the express purpose of expiating the aggression on the sovereignty of a friendly power.

Lastly presents itself, the attack by the British ship of war Leopard, on the American frigate Chesapeake, a case too familiar in all its circumstances to need a recital of any part of them. It is sufficient to remark that the conclusive evidence, which this event added to that which had preceded, of the uncontrolled excesses of the British naval commanders, in insulting our sovereignty, and abusing our hospitality, determined the president to extend to all British armed ships, the precaution heretofore applied to a few by name, of interdicting to them the use and privileges of our harbours and waters.

This was done by his proclamation of July 2, 1807, referring to the series of occurrences, ending with the aggression on the frigate Chesapeake, as the considerations requiring it, and if the apprehension from the licentious spirit of the British naval commanders, thus developed and uncontrolled, which led to this measure of precaution, could need other justification than was afforded by what had passed, it would be amply found in the subsequent conduct of the ships under the command of the same captain Douglass.

This officer, neither admonished by reflections on the crisis produced by the attack on the Chesapeake, nor controlled by respect for the law of nations; or the laws of the land, did not cease within our waters to bring to, by firing at vessels pursuing their regular course of trade; and in the same spirit which had displayed itself in the recent outrage committed on the American frigate, he not only indulged himself in hostile threats, and indications of a hostile approach to Norfolk, but actually obstructed our citizens in the ordinary communication between that and neighbouring places. His proceedings constituted in fact, a blockade of the port, and as real an invasion of the country, according to the extent of his force, as if troops had been debarked, and the town besieged on the land side.

Was it possible for the chief magistrate of a nation, who felt for its rights and its honour, to do less than interpose some measure of precaution, at least against the repetition of enormities which had been so long uncontrolled by the government whose officers had committed them, and which had at last taken the exorbitant shape of hostility and of insult, seen in the attack on the frigate Chesapeake? Candour will pronounce that less could not be done; and it will as readily admit that the proclamation comprising that measure, could not have breathed a more temperate spirit, nor spoken in a more becoming tone. How far it has received from those, whose intrusions it prohibited, the respect due to the national authority, or been made the occasion of new indignities, needs no explanation.

The president having interposed this precautionary interdict, left no time in instructing the minister ple-